

# PHILIP MORRIS

MANAGEMENT CORP.  
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July 8, 1998

## By Overnight Delivery

Gregory N. Connolly, D.M.D., M.P.H.  
Director, Massachusetts Tobacco Control Program  
Massachusetts Department of Public Health  
250 Washington Street, Fourth Floor  
Boston, Massachusetts 02108

### Re: Sampling Procedures for 1998 Annual Report of Philip Morris Incorporated

Dear Dr. Connolly:

In confirmation of discussions during our meeting in your office on June 11, 1998 and your subsequent telephone conversation with David Remes, counsel to the domestic cigarette manufacturers, Philip Morris Incorporated ("Philip Morris") intends to implement the sampling procedures described below in order to comply with your instructions, Massachusetts General Laws, Chapter 94, Section 307B and the regulations promulgated by the Department of Public Health ("DPH") pursuant thereto.

Philip Morris will collect samples of each cigarette brand style within brand families of cigarettes manufactured by Philip Morris and sold within the Commonwealth of Massachusetts that have a market share greater than or equal to three percent of the United States cigarette market. The Marlboro and Basic brand families are the only Philip Morris brands with a national market share of three percent or more as reported in the first quarter 1998 Maxwell Reports published by Davenport & Company LLC as successor publisher of Maxwell Reports to Wheat First Butcher Singer. A list of the Marlboro and Basic brand styles to be collected is attached for your reference.

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Gregory N. Connolly, D.....D., M.P.H.  
Director, Massachusetts Tobacco Control Program  
Massachusetts Department of Public Health  
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Mr. Remes informed Philip Morris of your intention to require a random sampling and testing of additional brand styles manufactured by Philip Morris and sold within the Commonwealth of Massachusetts and your request that several of the samples be tested by Philip Morris utilizing a puff-by-puff methodology for measuring the "pH of smoke". The puff-by-puff testing to be conducted on the random sampling to be designated will be conducted by Philip Morris utilizing the methodology previously presented to you and Dr. Rickert and in lieu of the method described in Section 660.102(B)(4) of the Code of Massachusetts Regulations, and Appendix 2D thereto.

A listing of brand styles other than Marlboro and Basic that are manufactured by Philip Morris and sold within the Commonwealth of Massachusetts is also attached for your reference. The brand styles are listed in ascending order by "tar" delivery as reported to the Federal Trade Commission ("FTC"), and published in the FTC Report entitled "*Tar, Nicotine, and Carbon Monoxide of the Smoke of Varieties of Domestic Cigarettes.*"

The Marlboro and Basic samples will be collected on July 20<sup>th</sup> and 21<sup>st</sup> at the following wholesale location.

Gerber Brothers, Inc.  
Store Number - KA# 24386  
Route 139 at Kay Way  
Stoughton, Massachusetts 02072  
Telephone - (781) 341-0800

If you are willing to designate prior to July 20<sup>th</sup> the additional brand styles that you require Philip Morris to sample and test, as well as the subset to be tested utilizing a puff-by-puff methodology, we will also collect samples of those additional brand styles on July 20<sup>th</sup> and 21<sup>st</sup>. I have attached an extra copy of the list of additional Philip Morris brand styles sold in Massachusetts as well as a return mailer for your convenience in designating those you require collected and tested.

You or your designee are welcome to attend the sampling session at Gerber Brothers, Inc. and to accept on site the samples to be delivered to the Department of Public Health ("DPH"). If you prefer not to send a DPH representative, we will ship the samples to your attention from the county within which the distributor is located.

PM3000503279

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Finally, in light of the recent retirement of Dr. Jerry F. Whidby, the complete name, title, business address and telephone number of the individual now designated by Philip Morris as the DPH contact person for inquiries related to 105 CMR 660.000 et seq. follows.

Dr. Richard H. Cox  
Vice President, Scientific Technical Services  
Research, Development and Engineering  
Philip Morris Incorporated  
4201 Commerce Road  
Gate C/Door 17  
Richmond, Virginia 23234  
(804) 274-5276

Please acknowledge your receipt of this letter by signing and returning one copy, together with your designation of additional brand styles to be collected and tested if you are willing to so designate, in the pre-addressed, postage paid mailer provided for your convenience.

Sincerely,

Philip Morris Incorporated

By Virginia Murphy  
Title Sr. Asst General Counsel

#### ACKNOWLEDGMENT OF RECEIPT

Commonwealth of Massachusetts

By: \_\_\_\_\_

Title: \_\_\_\_\_